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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

20 DEMETRIC DI-AZ, OWEN DIAZ, and  
21 LAMAR PATTERSON,

Case No. 3:17-cv-06748-WHO

22 Plaintiffs,

**JOINT STIPULATION AND  
[PROPOSED] ORDER FOR PARTIAL  
DISMISSAL OF CLAIMS**

23 v.  
24 TESLA, INC. dba TESLA MOTORS, INC.;  
CITISTAFF SOLUTIONS, INC.; WEST  
25 VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES, INC.;  
26 and DOES 1-50, inclusive,

Trial Date: May 11, 2020  
FAC Filed: December 26, 2018

27 Defendants.

1 Pursuant to Local Rule 7-12 and Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil  
2 Procedure, Plaintiffs Demetric Di-az and Owen Diaz (“Plaintiffs”) and Defendant Tesla, Inc. dba  
3 Tesla Motors, Inc. (“Defendant”), by and through their respective counsel, hereby stipulate and  
4 agree as follows:

5 **WHEREAS** Plaintiffs filed their First Amended Complaint (“FAC”) on December 26,  
6 2018 (Dkt. No. 57), and Defendant filed its Answer to the FAC on January 1, 2019 (Dkt. No.  
7 63);

8 **WHEREAS** Plaintiffs’ FAC pled causes of action for violations of 42 U.S.C. § 1981;  
9 interference with constitutional rights in violation of the Bane Act; whistleblower retaliation  
10 under Section 1102.5 of the California Labor Code; negligent infliction of emotional distress;  
11 intentional infliction of emotional distress; negligent infliction of emotional distress; negligent  
12 hiring, retention, and supervision; and wrongful termination in violation of public policy against  
13 Defendant as to Plaintiff Demetric Di-az;

14 **WHEREAS** Plaintiffs’ FAC pled causes of action for violations of 42 U.S.C. § 1981 (1st  
15 Cause of Action) and negligent hiring, retention, and supervision (14th Cause of Action) against  
16 Defendant as to Plaintiff Owen Diaz, which Plaintiff Owen Diaz intends to pursue to trial and  
17 shall not be affected by this stipulation;

18 **WHEREAS** Plaintiffs’ FAC pled causes of action for threats of violence in violation of  
19 the Ralph Civil Rights Act (4th Cause of Action), threats of violence in violation of the Bane Act  
20 (5th Cause of Action), interference with constitutional rights in violation of the Bane Act (6th  
21 Cause of Action), whistleblower retaliation under Section 1102.5 of the California Labor Code  
22 (7th Cause of Action), negligent infliction of emotional distress (12th Cause of Action),  
23 intentional infliction of emotional distress (13th Cause of Action), wrongful termination (15th  
24 Cause of Action), and constructive discharge (16th Cause of Action) against Defendant as to  
25 Plaintiff Owen Diaz;

26 **IT IS HEREBY STIPULATED** by and between the parties that all causes of action as  
27 to Plaintiff Demetric Di-az are hereby dismissed with prejudice;

28 **IT IS FURTHER STIPULATED THAT** with respect to Plaintiff Owen Diaz’ 4th, 5th,

1 6th, 7th, 12th, 13th, 15th and 16th Causes of Action, these are hereby dismissed with prejudice;  
2 and

3 **IT IS HEREBY FURTHER STIPULATED THAT** Plaintiff Owen Diaz is the only  
4 plaintiff remaining and only Owen Diaz's 1st and 14th Causes of Action shall remain intact and  
5 proceed to trial.

6  
7 **IT IS SO STIPULATED.**  
8  
9  
10

11 CALIFORNIA CIVIL RIGHTS LAW GROUP  
12 ALEXANDER KRAKOW + GLICK LLP

13 Dated: April 1, 2020

14 By \_\_\_\_\_ /s/ Cimone Nunley  
15 LAWRENCE A. ORGAN  
16 NAVRUZ AVLONI  
17 J. BERNARD ALEXANDER  
18 CIMONE A. NUNLEY  
19 Attorneys for Plaintiffs  
20 DEMETRIC DI-AZ and OWEN DIAZ

21 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

22 Dated: April 1, 2020

23 By \_\_\_\_\_ /s/ Patricia Jeng  
24 TRACEY A. KENNEDY  
25 PATRICIA M. JENG  
26 SUSAN HAINES  
27  
28 Attorneys for Defendant  
TESLA, INC. dba TESLA MOTORS, INC.

29 **IT IS SO ORDERED.**

30   
31 HONORABLE WILLIAM H. ORRICK

32 DATED: April 1, 2020

## **DECLARATION OF CONSENT**

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that I obtained concurrence in the filing of this document from above-listed counsel for Defendant Tesla, Inc., which shall serve in lieu of their signature on the document.

Dated: April 1, 2020

By /s/ Cimone Nunley

LAWRENCE A. ORGAN

## NAVRUZ AVLONI

J. BERNARD ALEXANDER

CIMONE A. NUNLEY

Attorneys for Plaintiffs

DEMETRIC DI-AZ and OWEN DIAZ